



MEMORANDUM

October 7, 2011

TO: Board of Appeals

FROM: Nicole Walters, Planner II *NW*

SUBJECT: Show Cause Hearing for Special Exception Application SPX2010-00380.
C.C.B. School located at 800 Hurley Avenue, Rockville, MD 20850

Background

At its December 5, 2009 meeting, the City of Rockville Board of Appeals voted to approve Special Exception SPX2010-00380 for a private educational institution, subject to specific conditions. Approval allowed for the subject property to establish and operate an after school-tutoring center.

Among the many conditions of approval imposed by the Board of Appeals in its approval of the Special Exception, was that the applicant was required to adhere to limitations on how the school would operate, such as hours of operations, and months in which the school would be operating. The approval also indicated the specific range of grades that would be offered this type of tutoring.

Discussion

Since the Board's approval of the Special Exception numerous complaints were received by the Planning staff with regards to the operation of the school: 1) Several signs were installed on the property without a permit; 2) The school operated during the month of August; 3) The school had operated outside of its approved operating hours; 4) The school has offered classes outside the range of grades indicated in the applicant's statement of operation; 5) Child care/after school activities would be provided on the premises. Several site inspections of the property and conversations with the applicant confirmed many of the above issues with the exception of the daycare operation. As such staff finds that the applicant has not been operating in substantial accordance with their Special Exception approval.

In written correspondence dated July 15, 2011, the Chief of Planning informed the applicant and the attorney who represented the owner at the public hearing of the special exception application, of the above complaints. (See Attachment 1)

Below is a summary of each complaint.

Issue #1

Several signs were installed on the property without a permit.

The school had several freestanding signs erected on the property. The Zoning Ordinance only allows one (1) permanent sign on the property. Since the Korean Presbyterian church already has a permanent sign, any additional permanent signs would require approval by the Sign Review Board. The signs were removed by staff and returned to the applicant. To date staff is not aware of any signs currently erected on the property.

Issue #2

The school operated during the month of August.

The school was approved to operate fifteen (15) of the existing classroom facilities located on the ground level of the Korean Presbyterian Church of Rockville. The school was approved to operate from 3:00PM to 7:00PM Monday to Thursday and 9:00AM to 3:00PM on Saturdays, for nine (9) months out of the year (September through May). In June and July the school would operate from 9:00AM to 3:00PM Monday to Friday. The school would be closed during the month of August.

As indicated in the flyers posted by the applicant, the school advertised that it would be operating from June 20th – August 12th. Not only did the school operate until August 12th, the school re-opened on August 29-30 to accommodate the children attending Montgomery County Public Schools. It is important to note that flyers 1&2 indicating the hours of operation and range of grades was provided by a neighbor. Staff provided flyer #3, which indicated that the applicant was seeking teachers for the summer sessions and the dates that the school would be operational. (See Attachment 2)

Issue #3

The school has operated outside its approved hours of operation.

As indicated above in Issue #2, the school was not to operate after 3:00PM during the months of June and July. According to the flyers attached the school was going to operate until 6:00PM. (Attachment 2).

Issue #4

The school has offered classes outside the range of grades indicated in the applicant's statement of operation.

In the applicant's approval, the range of grades offered this service would be from Grades 1 to 12th grade. As indicated in all of the fliers posted by the applicant, the school would be offering tutoring services to grades K to 12. (Attachment 2).

Issue #5

Child care/Afterschool activities were being conducted on the site.

This site is approved to operate a "Private Educational Institution", not a child care center. The findings and conditions for a child care are different. The site could not support the lot area required for the number of children that is allowed to be on the site at any one (1) time. Based on the attached school schedule, some type of child care has been occurring at this site. Staff requests clarification with regards to the reference made in the flyer. Staff has not observed any indications that a child care operation is taking place. (Attachment 2)

The applicant was reminded on several occasions with regards to the conditions of their special exception approval (Attachment 3).

Staff has conducted numerous conversations with the applicant and the applicant's attorney regarding the process to modify the special exception approval. The applicant has indicated their intention is to modify the special exception to account for the operational changes.

To date the applicant has been cited and fined a total of \$2100 for failure to operate in accordance with the approved special exception. The first set of citations was for the dates of August 2-12th, all of which have been paid. It is important to note that on August 31st, another complaint was received by the Planning staff indicating that the school was operating. A site inspection revealed that the school was in fact operational on August 29-30th. The applicant was cited and fined \$400 dollars and these fines have been paid. (Attachment 4)

Recommendation

Staff finds that the applicant is not in compliance with the site's special exception approval. Staff recommends that the applicant submit for a modification to the special exception to incorporate these operational changes within 30 days of the Board of Appeals decision, or a date certain imposed by the Board. If the applicant does not comply, the Board should proceed with suspension or revocation of the Special Exception approval.

/nrw

Attachments

Attachment 1 –Chief of Planning’s Letter Dated 7-15-2011 and Superseded letter dated August 4, 2011 (correct application number).

Attachment 2 – Issues #2-5 supporting documentation (Flyers/Class Schedule/Craig’s list Flyer).

Attachment 3 – SPX2010-00380 Approval Letter

Attachment 4 – Citation Activities Sheet

Attachment 5 – Show Cause Hearing Notice to applicant

Attachment 6 – Letter and photos from James and Sally Headlee regarding the school’s operations



City of
Rockville
Get Into It

111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

July 15, 2011

C.C.B School of Rockville.
C/o Mr. Kihoon Lee,
800 Hurley Avenue
Rockville, Maryland 20850

Soo Lee Cho, Esquire
Miller, Miller, & Canby
200-B Monroe Street
Rockville, Maryland 20850

Re: Special Exception Approval SPX2009-00380
800 Hurley Avenue, Rockville, Maryland 20850

Dear Mr. Lee and Mrs. Cho:

As you are aware, at its December 5, 2009 meeting, the City of Rockville Board of Appeals voted to approve Special Exception SPX2009-00380, subject to specific conditions. Approval allowed for the subject property to establish and operate an after school-tutoring center.

Hence, on November 18, 2009, the City of Rockville Planning Commission met to review the application at a public hearing and to consider all of the information and testimony provided, recommended approval of the Special Exception application to the Board of Appeals, finding that the application does not violate or adversely affect the Master Plan, subject to the conditions outlined in the November 6, 2009 staff report.

Among the many conditions of approval imposed by the Board of Appeals in its approval of the Special Exception, was that the applicant was required to adhere to limitations on how the school would operate, such as hours of operations, and months in which the school would be operating. The approval also indicated the specific range of grades that would be offered this type of tutoring.

Please be advised that a recent complaint received revealed several issues with regards to the operations of the school:

1. Several signs were installed on the property without a permit;

Kihoon Lee
Soo Lee-Cho
Page 2
July 15, 2011

2. The school has advertised that it would be operating during the month of August;
3. The hours of operation of the school had changed;
4. The range of grades would be from K-12; and
5. Child Care/After School Activities would be provided on the premises

In addition, a recent inspection revealed that several freestanding (portable) signs were erected on the property. At this visit these signs were removed and given to one of your staff members. Several flyers posted on line and at various locations in proximity of the subject site indicate that after school activities, book club and childcare would be provided. In addition, these flyers also indicated that the range of grades would now be offered to students ranging from K-12.

Section 25.14.04 of the Zoning Ordinance does not allow portable signs, except as may be allowed by Section 25.18.15.b.1.a. (v). Section 25.18.12 of the Zoning Ordinance allows only one (1) permanent sign to be erected on the property. Since the Korean Presbyterian Church has one (1) permanent sign, any additional signs permanent would require approval by the Sign Review Board.

As you will recall the school was to operate from 3:00 p.m. to 7:00 p.m. Monday to Thursday and 9:00 a.m. to 3:00 p.m. on Saturdays, for nine months out of the year (September through May). In June and July, the school will operate from 9:00 a.m. to 3:00 p.m. from Monday to Friday. The school will be closed the month of August. The range of students would range from Grades 1 -12.

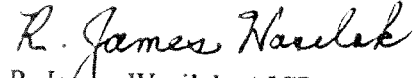
As you will recall there were substantial discussions at both the Board of Appeals public hearing and Planning Commission's review of the respective special exception application about the number of students, hours of operation, range of grades traffic and the months in which the school would operate.

Please note that failure to fully comply with applicable conditions of the Special Exception Approval may result in a Municipal infraction for which a citation may be issued. Fines may be imposed by the Planning and Zoning Department and that additional fines will be levied if these issues are not rectified.

You will be given until August 1, 2011 to ensure that your school is operating under the conditions imposed when the approval was granted. You do have the option of modifying your Special Exception, to incorporate these operational changes. Should you have questions please feel free to contact Nicole Walters 240-314-8200. Your attention and assistance in this matter is greatly appreciated.

Kihoon Lee
Soo Lee-Cho
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July 15, 2011

Respectfully,



R. James Wasilak, AICP
Chief of Planning

/nrw

cc: Board of Appeals
Planning Commission
Nicole Walters, Planner II - CPDS
Tamara Dietrich, Zoning Inspector-CPDS
Deane Mellander, Zoning Administrator
Bobby Ray, AICP, Principal Planner – CPDS
Rebecca Torma, Traffic and Transportation- DPW
Cynthia Walters, Senior Assistant City Attorney
Mr. & Mrs. James Headlee



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**Correction Letter- Supersedes
July 15, 2011 violation letter**

August 4, 2011

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August 4, 2011

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Soo Lee-Cho
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August 4, 2011

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Respectfully,



R. James Wasilak, AICP
Chief of Planning

/nrw

cc: Board of Appeals
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Rebecca Torma, Traffic and Transportation- DPW
Cynthia Walters, Senior Assistant City Attorney
Mr. & Mrs. James Headlee

C.C.B. Summer Program



June 20 - August 12

4-8 week program: Mon-Fri 9:00am-12:00pm

Book Club: 4:00pm - 6:00pm

After School Care Provided

Register by April 30 and receive 15% off 4-8 week program!
Sibling Discount Provided

SAT PREP
(9th - 11th)

- Reading & Essay
- Math & English
- Real Practice SAT/PSAT

Middle
(6th - 8th)

- Math & English
- Reading & Essay
- Book Club
- SSAT

Elementary
(K - 5th)

- Math & English
- Reading & Essay
- Book Club

PSAT/SAT Prep (9th-11th) Monday-Friday

Time	Subject
9:00am-10:20am	ENGLISH / MATH
10:20am-10:30am	BREAK
10:30am-11:45am	MATH / ENGLISH
11:45am-12:15pm	LUNCH
12:15pm-1:00pm	SAT READING / ESSAY

Including four SAT Practice Tests and Review Days

After School Activities (Kindergarten-8th) Monday-Friday

Time	Subject
3:00 pm- 4:00 pm	RECREATIONAL ACTIVITIES
4:00 pm- 5:00 pm	BOOK CLUB
4:00 pm- 5:00 pm	CAREER CARE

[washington, DC craigslist](#) > [maryland](#) > [jobs](#) > [education/teaching jobs](#)

[email this posting to a friend](#)

Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Moneygram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

please flag with care: [?]

[miscategorized](#)

Wanted: SAT English teachers for Summer PREP (Rockville, MD)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

Date: 2011-06-15, 11:25AM EDT

Reply to: job-g4bxm-2441875016@craigslist.org [Errors when replying to ads?]

The C.C.B. SCHOOL has been opened for nearly 31 years since 1980 aiming to help students, from Kindergarten to Grade 12, succeed and advance in their education.

We offer specialized SAT prep programs as well as structured English and Math afterschool classes.

We are now seeking for licensed teachers to teach SAT English in our summer program.

The program will run from 9am - 3pm from Monday to Friday for 8 weeks, starting on June 20 and ending on August 12.

We offer a highly competitive pay and friendly work environment.

The school is located conveniently at 800 Hurley Avenue in Rockville, MD, behind Thomas S. Wootton High School.

This would be a great opportunity for local teachers looking for a consistent part-time position in spring and fall semesters or a full-time position in summer.

If interested, please send us an email with your CV attached.

C.C.B. SCHOOL of ROCKVILLE is an Equal Opportunity Employer.

-Kihoon Lee,

Principal of C.C.B. School of Rockville, MD

- Location: Rockville, MD
- Principals only. Recruiters, please don't contact this job poster.
- Please, no phone calls about this job!
- Please do not contact job poster about other services, products or commercial interests.

PostingID: 2441875016

IN THE MATTER OF THE APPLICATION SPECIAL EXCEPTION
OF THE C.C.B. SCHOOL FOR SPECIAL APPLICATION SPX2009-00380
EXCEPTION TO OPERATE
A TUTORING CENTER

BOARD OF APPEALS DECISION

BACKGROUND

On September 9, 2009, Mr. Kihoon Lee submitted an application to the City of Rockville, Special Exception SPX2009-00380, to establish and operate an after school-tutoring center, to be known as the "C.C.B. School," located at 800 Hurley Avenue, Rockville, Maryland, 20850. The site is currently improved with a building owned by the Korean Presbyterian Church. The tutoring will take place in the existing church building.

The subject site is 1 acre (43,560 square feet) and is zoned PD-RS (Planned Development-Rockshire, with an equivalent zone of R-60 for single unit detached areas), and the Master Plan land use designation is "Institutional". The property is currently developed with a 22,000 square-foot, 2- story church.

A total of sixteen (16) classrooms are located on the ground level of the church. One (1) room has already been dedicated as a library, leaving the remaining fifteen (15) rooms to be used by the C.C.B. School. Thirteen (13) of the rooms will be used for classroom instruction and tutorial services, and two (2) will be used as office space. Students range from Grades one (1) to twelve (12).

There will be a maximum of sixteen (16) employees at the school, consisting of twelve (12) teachers/instructors, three (3) staffers, and one (1) traffic/parking attendant. The original application sought approval for a maximum daily attendance of 90 students. As later explained in the decision, the Board has limited the number of students that can be onsite at the school at any given time to sixty (60) students, but did not impose a maximum daily attendance.

The hours of operation will be from 3:00 p.m. to 7:00 p.m. Monday to Thursday and 9:00 a.m. to 3:00 p.m. on Saturdays, for nine months out of the year (September through May). In June and July, the school will operate from 9:00 a.m. to 3:00 p.m. from Monday to Friday. The school will be closed the month of August. The class schedules will be staggered, to accommodate the types of services that are being offered.

The subject property was developed in 1978 under the PRU (Planned Residential Unit), with an underlying R-90 zone. (The entire Rockshire development is now classified by the new zoning ordinance as "Planned Development Zone", with an equivalent zone of R-60 for single unit detached areas.)

the surrounding area and to have no adverse affects on the health and safety of the residents or workers in the area. This finding with respect to the structure per se, is still valid, and nothing proposed physically for the structure in the special exception application suggests any different finding.

Based on the requirements of the Comprehensive Transportation Review (CTR), and taking into account credit given for prior usage, when the maximum number of students that can attend the tutoring school per day is sixty (60) students, the school will generate no peak hour trips. When the maximum number of students that can attend the tutoring school per day is ninety (90) students, the school will generate less than 30 peak hour trips. As such, the applicant was only required to conduct on-site adjacent road analysis. (See CTR Resolution #26-04.) With a 13.5 percent increase in peak hour volume, Hurley Avenue will operate well below the threshold established by the guidelines for the Neighborhood Traffic Management. In addition, in May of 2009, staff conducted an analysis at two intersections that the applicant would have been required to analyze, had a full traffic study been required. These intersections were Wootton Parkway at Hurley Avenue and Wootton Parkway at the Rockshire Shopping Center entrance. City staff's evaluation determined that these intersections were operating at an acceptable level of service and with the additional traffic produced by the tutoring center, those intersections would continue to operate at an acceptable level of service.

Even though a traffic analysis was not required, city staff conducted an analysis of the traffic volumes generated by the tutoring use. Staff testified that they calculated traffic volumes for 90 students per day and concluded that, the new peak hour trips will increase the peak hour volume by 13.5 percent along Hurley Avenue. Staff also noted that peak hour traffic for the tutoring center and peak hour traffic on Hurley do not coincide. Peak hour traffic for the tutoring center will occur well after peak hour traffic for Hurley Ave. has ended, thereby having minimal impact, if any at all, on the heaviest traffic on Hurley Ave. (The peak hour on Hurley Ave. is 7-8 in the morning, while the peak hour for the tutoring center is from 3-4 in the afternoon.)

In response to traffic concerns raised by interested parties, and as part of the applicant's Traffic Management Plan, the Board is requiring a traffic/parking attendant to regulate parking and traffic flow during the hours the school is operating. In addition, the Board is requiring that employees will park in spaces that are closest to the entrance of the parking lot. To increase pedestrian and traffic safety, the Board imposed a condition that a "stop sign" be erected for vehicles as they exit the church property and that trees and bushes be trimmed to increase sight distance for cars exiting the church property.

The Board finds, for the above reasons, that health and safety of residents and workers in the area will not be adversely affected.

(ii) Overburden existing and programmed public facilities as provided in Article 20 of this chapter and as provided in the adopted Adequate Public Facilities Standards Manual;

Similar uses in the area, without effect on the character of the neighborhood, include the C-2 Educational Center located at the Rockshire Village Center. The original Planned Development Approval allows for educational uses and such uses, are in keeping with the concept of the original planned development approval. Based on these facts, the Board finds that the proposed Special Exception use will not change the character of the neighborhood.

(v) Constitute a nuisance because of noise, traffic, number of people, or type of physical activity; and

Based on the formal on-site analysis, the proposed use will generate less than thirty (30) peak hour trips. As previously stated, the applicant will have an on-site traffic/parking attendant who will help regulate parking and traffic flow, and the use's trip generation will not adversely affect adjacent roads and intersections.

The Board finds therefore, that the proposed use will not constitute a nuisance or generate excessive noise or physical activity. The site use will not generate greater than 30 net peak hour trips. The net new peak hour trips will increase the peak hour volume but Hurley Avenue will continue to operate well below the activity threshold established by the guidelines for the Neighborhood Traffic Management. The site is located next to the Rockshire Shopping Center, near Wootton High School and access to public transportation, and as such does not cause any more traffic than the various types of uses that are currently located within the neighborhood.

(c) The proposed use complies with all applicable requirements of this Chapter, including, but not limited to, the special requirements contained in Section 25.15.02 and the general purposes of this Chapter contained in Section 25.01.02.

The proposed use is permitted by Special Exception and, as such, was submitted in accordance with Section 25.10.03 of the Ordinance. Including the additional required findings set forth below, the use, as proposed, adheres to all applicable law. The APFO requirements for schools do not apply to this application since there are no residential housing units being proposed.

Additional Required Findings

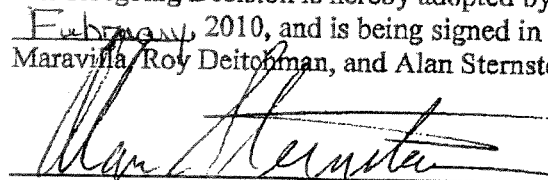
Section 25.15.02 of the Ordinance – Additional Required Findings, the Board must make the additional finding when the maximum attendance at any one (1) time exceeds 40 students, such institution must have:

A lot area of at least one (1) acre plus 700 square feet for each student in excess of 60.

Since the Board limited the proposed use to only 60 students on site, at any given time, the site needs to be only one acre in size. The lot meets this requirement.

4. Provide one (1) bicycle locker (2 long-term spaces) and two (2) bicycle racks (4 short-term spaces). The location of the short-term spaces shall be approved by the Department of Public Works (DPW). Bike lockers and racks must be installed prior to issuance of the occupancy permit.
5. Provide a traffic management plan that includes, but is not limited to: number and hours of staff, ingress/egress of vehicles, employee parking locations, and an on-staff traffic/parking attendant to regulate parking and traffic flows during the hours of operation of the school. The plan must be approved by Department of Public Works (DPW) prior to the issuance of an occupancy permit.
6. Provide a "stop sign" for vehicles exiting the church property to increase pedestrian safety.
7. Increase the sight distance for vehicles exiting the site onto Hurley Avenue along the entire property frontage by, among other things, trimming any trees and or bushes to improve vehicular driver visibility onto Hurley Avenue.

The foregoing Decision is hereby adopted by the Board of Appeals this 2nd day of February, 2010, and is being signed in counterparts by Board members Christopher Maravilla, Roy Deitchman, and Alan Sternstein.


Alan Sternstein, Chairperson

Roy Deitchman

Christopher Maravilla

Section 25.07.09 of the City of Rockville Zoning Ordinance requires that if a building permit is not required to exercise the rights granted by the Board's decision, **such rights must be established within twelve months of the date of the Board's decision or approval shall expire.** However, if the applicant can show good cause the Board may grant two (2) time extensions of the application expiration date, each not to exceed six (6) months respectively.

Board of Appeals
Decision SPX2009-00380

-7-

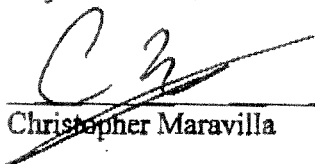
January 27, 2010

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5. Provide a traffic management plan that includes, but is not limited to: number and hours of staff, ingress/egress of vehicles, employee parking locations, and an on-staff traffic/parking attendant to regulate parking and traffic flows during the hours of operation of the school. The plan must be approved by Department of Public Works (DPW) prior to the issuance of an occupancy permit.
6. Provide a "stop sign" for vehicles exiting the church property to increase pedestrian safety.
7. Increase the sight distance for vehicles exiting the site onto Hurley Avenue along the entire property frontage by, among other things, trimming any trees and or bushes to improve vehicular driver visibility onto Hurley Avenue.

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Alan Sternstein, Chairperson

Roy Deitchman



Christopher Maravilla

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Case Activity Listing
Case #: CAV2012-30554
Violation of Special Exception SPX2010-00380

10/4/2011
3:11:17PM

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned		Done	Updated		Notes
							To	By		By		
CAVA010	Complaint rec'd/viol. observed			8/2/2011	None			TJD		8/2/2011	TJD	
CAVA010	Complaint rec'd/viol. observed			8/2/2011	None	FAIL		TJD		8/2/2011	TJD	complaint rec'd from neighbors that a school is operating in violation of the approved special exception which allowed only the operation of an after school/tutoring center.
CAVE050	Site inspection	8/2/2011	8/3/2011	8/2/2011	None	DONE		NRW		8/2/2011	NRW	talked to Mr. Lee personally and he indicated that the tutoring service did operate on 8-1-11.
CAVA205	Issue CITATION			8/3/2011	None	DONE		TJD		8/3/2011	TJD	issue 2 citations, \$100 and \$200 for 8/1/11 and 8/3/11. hand deliver to woman in office of school, Rebecca Lee, who did sign the citations.
CAVE050	Site inspection	8/4/2011	8/4/2011	8/4/2011	None	FAIL		TJD		8/4/2011	TJD	violation observed at 8:56 am at 800 Hurley Ave. issue citation for \$200
CAVA205	Issue CITATION			8/5/2011	None	DONE		TJD		8/5/2011	TJD	issue two citations for 8/4/11 and 8/5/11 for \$200 a piece. hand deliver to Mr. Lee who indicated that he would be paying all the citations and all future citations that will be issued next week. He will not be requesting a court date.
CAVE050	Site inspection	8/8/2011	8/8/2011	8/8/2011	None	FAIL		TJD		8/8/2011	TJD	violation, children being dropped off for school witnessed at 800 Hurley today at 8:51 am
CAVE050	Site inspection	8/9/2011	8/9/2011	8/9/2011	None	FAIL		TJD		8/9/2011	TJD	site insp. revealed school in operation at 9 am.
CAVA205	Issue CITATION			8/10/2011	None	DONE		TJD		8/10/2011	TJD	Hand deliver 3 citations for Mon., Tues, Wed, (8/8 8/9 8/10) to Mr. Lee who signed all three

Case Activity Listing
Case #: CAV2012-30554
Violation of Special Exception SPX2010-00380

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned		Done	Updated		Notes
							To	By		By		
CAVVA205	Issue CITATION			8/15/2011	None	DONE	TJD	TJD		8/24/2011	TJD	9:01 AM attempt to hand deliver last two citations for 8/11 and 8/12. No one at the school.
CAVE050	Site inspection	8/16/2011	8/16/2011	8/16/2011	None	DONE	TJD	TJD		8/24/2011	TJD	attempt to deliver last two citations, 9:11 am, no one at school
CAVE050	Site inspection	8/16/2011	8/16/2011	8/16/2011	None	DONE	TJD	TJD		8/24/2011	TJD	attempt to deliver last two citations, 1:20 pm no one at school.
CAVE050	Site inspection	8/17/2011	8/17/2011	8/17/2011	None	DONE	TJD	TJD		8/24/2011	TJD	attempt to deliver last two citations, 8:57 am, no one at the school
CAVE050	Site inspection	8/18/2011	8/18/2011	8/18/2011	None	DONE	TJD	TJD		8/24/2011	TJD	attempt to deliver last two citations 9:20 am, no one at the school
CAVVA205	Issue CITATION			8/19/2011	None	DONE	TJD	TJD		8/24/2011	TJD	Post citations 9:59 am on door of school, picture taken. Nicole Walters witnessed
CAVVA920	Miscellaneous action			9/1/2011	None	DONE	TJD	TJD		9/14/2011	TJD	Mr. Lee paid the remaining \$1400.00 in citation fines
CAVVA205	Issue CITATION			9/14/2011	None	DONE	TJD	TJD		9/15/2011	TJD	Mr. Lee advised N. Walters, planning and myself that he was operating the before and after school program on August 29th and 30th, 2011 that is in violation of the school's approved special exception. Issue two citations at \$200 each. Hand deliver citations to Ms. Lee who signed both at school premises.
CAVVA920	Miscellaneous action			10/4/2011	None	DONE	TJD	TJD		10/4/2011	TJD	citations paid for 8/30 and 8/29 violations by Mr. Lee at City Hall



111 Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000
www.rockvillemd.gov

September 15, 2011

C.C.B School of Rockville.
C/o Mr. Kihoon Lee,
800 Hurley Avenue
Rockville, Maryland 20850

Soo Lee Cho, Esquire
Miller, Miller, & Canby
200-B Monroe Street
Rockville, Maryland 20850

Re: Special Exception Approval SPX2010-00380
C.C.B School located at 800 Hurley Avenue, Rockville, Maryland 20850

Dear Mr. Lee and Mrs. Cho:

This letter constitutes formal notice that pursuant to Section 25.19.07 of the Rockville Zoning Ordinance, a show cause hearing will be conducted by the City of Rockville Board of Appeals related to the above-referenced Special Exception on Saturday, October 15, 2011, at 9:30 a.m. You are hereby directed to appear at the hearing and to show cause as to why the zoning approval for the property should not be suspended or revoked.

As you are aware, at its December 5, 2009 meeting, the City of Rockville Board of Appeals voted to approve Special Exception SPX2010-00380, subject to specific conditions. Approval allowed for the subject property to establish and operate an after school-tutoring center.

Among the many conditions of approval imposed by the Board of Appeals in its approval of the Special Exception, was that the applicant was required to adhere to limitations on how the school would operate, such as hours of operations, and months in which the school would be operating. The approval also indicated the specific range of grades that would be offered this type of tutoring.

A recent complaint revealed several issues with regards to the operation of the school.

1. Several signs were installed on the property without a permit;
2. The school has advertised that it would be operational during the month of August;
3. The hours of operation of the school had changed;

Kihoon Lee
Soo Lee-Cho
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September 15, 2011

4. The Range of grades would be K-12; and
5. Child Care/After School Activities would be provided on the premises

In addition, a recent inspection revealed that several freestanding (portable) signs were erected on the property. At this visit these signs were removed and given to one of your staff members. Several flyers posted on line and at various locations in proximity of the subject site indicate that after school activities, book club and childcare would be provided. In addition, these flyers also indicated that the range of grades would now be offered to students ranging from K-12. Overall, the site inspection confirmed many of the complaints with the exception of the daycare operation, as you were previously advised by letter dated July 15, 2011 and correction letter dated August 4, 2011.

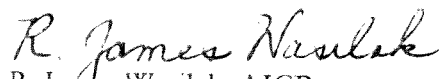
As you will recall the school was to operate from 3:00 p.m. to 7:00 p.m. Monday to Thursday and 9:00 a.m. to 3:00 p.m. on Saturdays, for nine months out of the year (September through May). In June and July, the school will operate from 9:00 a.m. to 3:00 p.m. from Monday to Friday. The school will be closed the month of August. The range of students would range from Grades 1 -12. In staff's view you have not been operating your business in accordance with the special exception approval.

As you will recall there were substantial discussions at both the Board of Appeals public hearing and Planning Commission's review of the respective special exception application about the number of students, hours of operation, range of grades, traffic and the months in which the school would operate.

Please note that notice of the show cause hearing has been given in accordance with Section 25.05.03b. Also note that, pursuant to Section 25.19.07.c. the Board must render a decision on the matter in the same manner it renders other decisions.

Should you have any questions, please feel free to contact me or Nicole Walters at 240-314-8200.

Respectfully,


R. James Wasilak, AICP
Chief of Planning

/nrw

cc: Board of Appeals
Planning Commission
Nicole Walters, Planner II - CPDS
Tamara Dietrich, Zoning Inspector-CPDS
Deane Mellander, Zoning Administrator
Bobby Ray, AICP, Principal Planner - CPDS

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Rebecca Torma, Traffic and Transportation- DPW
Cynthia Walters, Senior Assistant City Attorney
Mr. & Mrs. James Headlee

James and Sally Headlee
805 Hurley Avenue
Rockville, MD 20850

T 301-762-0756
sjheadlee@comcast.net

September 19, 2011

Nichole Walters
Planner I
Dept. of Community Planning
and Development Services
111 Maryland Ave.
Rockville, Md.

RE: CCB School

Dear Ms. Walters:

Thank you for the opportunity to express our concerns regarding our observation of violations by the CCB School. The City of Rockville set forth special exception operating parameters due to the limited space of the facility, concerns related to the safety of children and the impact on the surrounding community. Since the time of the approval of the special exception we have noted the following violations:

- The CCB School was instructed to provide a parking attendant during the peak pickup and drop time for the students. Initially there was a parking attendant however, he was only present for the first few days and at limited times.
- In accordance with the church parking agreement teachers and students were prohibited from parking in the Giant parking lot. Teachers and parents of students parked in the Giant parking lot the entire spring session. (Photo 1)
- The school is approved for grades 1 - 12 however, the CCB School advertised for K-11. (Photo 2 posted at Rockshire Shopping Center).
- The school advertised to provide child care. Child care is not one of the operations the CCB School is approved to provide. (Photo 3). We highly suspect that day care is being provided due to a neighbors child arrives after his day at public school and is picked up by a parent after 7pm.
- In accordance with the special exemption agreement the School is not to operate during the month of August. However, the school operated until the 12th of

August. (Photo 4)

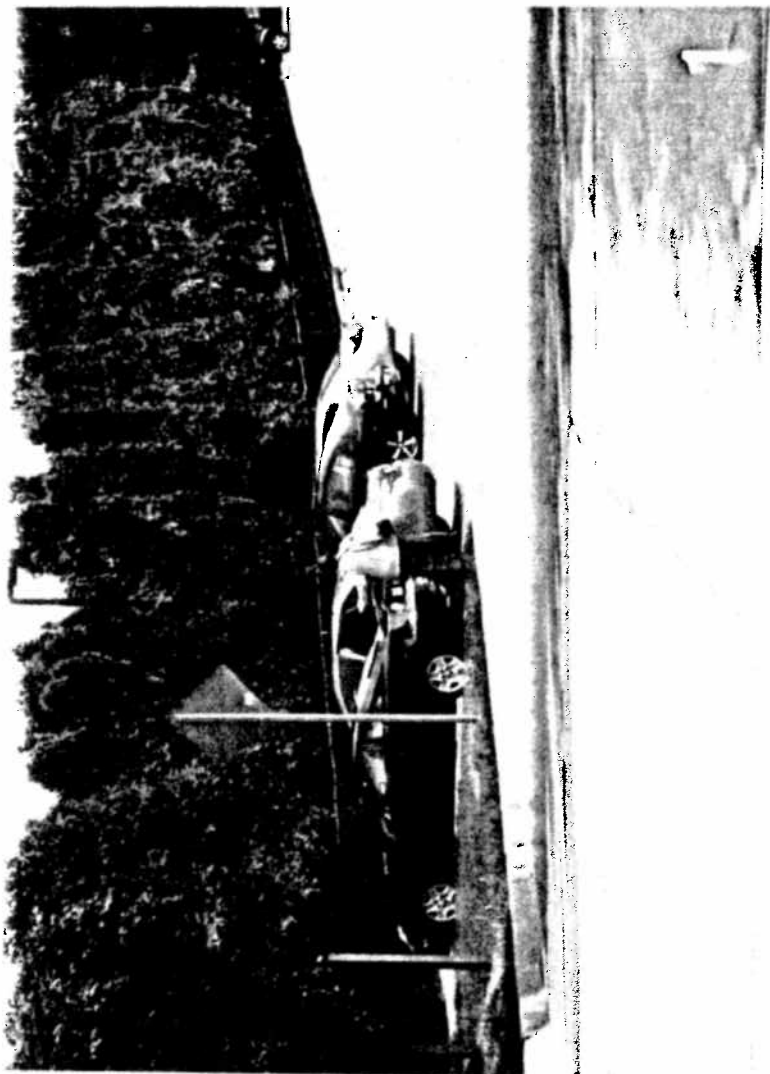
- The CCB School provided services from 3:00 - 6:00 during the summer. The approved operating hours are to end at 3:00 pm (Photo 2).
- After receiving a citation for operating in August the school opened again the last week of August.
- The CCB School posted unapproved signs advertising the school. (Photo 5)

The CCB School has and continues to violated the terms of the special exemption agreement. Even after being cited for the violations, they continue to violate the operating parameters set forth by the City of Rockville. These restrictions were put in place not only for the safety of the children but also for the impact on the community.

We look forward to your response to our concerns for addressing these serious issues.

Sincerely yours,

James and Sally Headlee



Register by April 30 and receive 15% off 4-8 week programs!

Saving Discount Provided

SAT PREP

(9th ~ 11th)

- Reading & Essay
- Math & English
- Real Practice SAT/PSAT

Middle

(6th ~ 8th)

- Math & English
- Reading & Essay
- Book Club
- SSAT

Elementary

(K ~ 5th)

- Math & English
- Reading & Essay
- Book Club

PSAT/SAT Prep (9th-11th) Monday-Friday

Time Subject

9:00am-10:20am

10:30am-11:50am

12:00pm-1:20pm

1:30pm-2:50pm

2:55pm-4:15pm

Including New SAT Practice Tests and Review Days

Adolescent Activities (Kindergarten-8th) Monday-Friday

Time	Subject
9:00 am-10:00 am	RECREATIONAL ACTIVITIES
10:00 am-11:00 am	BOOK CLUB
11:00 am-12:00 pm	CHILDCARE

Summer Prep (1st-5th) Monday-Friday

Time Subject

8:00am-10:00am

10:00am-11:00am

11:00am-12:00pm

12:00pm-1:00pm

RECREATIONAL ACTIVITIES: Arts, Crafts, Board Games, Chess, Karate, Lego, etc. All Projects.

Summer Prep (6th-8th) Monday-Friday

Time	Subject
8:00am-10:00am	ENGLISH / MATH
10:00am-11:00am	SCIENCE
11:00am-12:00pm	MATH / ENGLISH
12:00pm-1:00pm	ARTS



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